



PATENT
122-113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re US Patent Application of)
Richard A. Steiner)
Serial No. 10/032,408)
Filed: December 31, 2001)
Title: COMPRESSION TOOL WITH)
TOGGLE ACTION)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL OF BRIEF OF APPELLANT

Dear Sir:

Transmitted herewith in triplicate is the Brief of Appellant in the above-referenced application.

Form PTO-2038 authorizing charging of the required fee under 37 CFR 1.17(c) is attached hereto. Please charge my Deposit Account no. 03-3838 for any additional fees in connection herewith.

September 15, 2004.

Respectfully submitted,

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I hereby certify that this correspondence
is being deposited today with the United
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Patents, P.O. Box 1450, Alexandria, VA 22313-1450

John H. Crozier
Date 09/15/2004 Regis. No. 30,371



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BRIEF OF APPELLANT

This is an appeal from the final rejection of the Examiner, dated April 19, 2004 (Paper No. 6), rejecting Claim 1.

REAL PARTY IN INTEREST [37 CFR 1.192(c)(1)]

The real party in interest is Rostra Tool Company, 30 East Industrial Road, Branford, Connecticut 06405-2922.

RELATED APPEALS AND INTERFERENCES [37 CFR 1.192(c)(2)]

There are no related appeals or interferences.

STATUS OF CLAIMS [37 CFR 1.92(c)(3)]

The status of the claims set out in Paper No. 6 was and is:

Claims pending: 1-12.

Claims withdrawn from consideration: none.

Claims allowed: none.

Claims objected to: 2-12.

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Claims rejected: 1.

STATUS OF AMENDMENTS [37 CFR 1.192(c)(4)]

An amendment under 37 CFR 1.116 was filed May 20, 2004, and was entered by the Examiner.

SUMMARY OF THE INVENTION [37 CFR 1.192(c)(5)]

Referring to Figure 1, Applicant's invention is directed to an end connector compression tool (30) to attach end connector parts to a cable axially disposed in the tool. A movable compression member (42) axially moves back and forth in a body (40). A handle (70) is rotatably attached to the compression member (42) at a first pivot point (72) and a link (90) is rotatably attached to the handle (70) at a second pivot point (92) and is rotatably attached to the body (40) at a third pivot point (94).

ISSUE [37 CFR 1.192(c)(6)]

The Examiner has rejected claim 1 under 35 USC 103(a) as being unpatentable over Sato in view of Holliday et al. It is the Examiner's position that Sato shows all the elements of applicant's claim 1.

GROUPING OF CLAIMS [37 CFR 1.192(c)(7)]

To the extent that arguments are presented below with respect to specific claims, it is Applicant's intention that those claims shall not stand or fall together with the claims with which they are grouped.

ARGUMENT [37 CFR 1.192(c)(8)]

Issue – the rejection of claim 1 under 35 USC 103(a).

Claim 1 has been rejected under 35 USC 103(a) as being unpatentable over Sato in view of Holliday.

The rotatable handle (2) of Sato is attached at a pivot point (1a) to a fixed

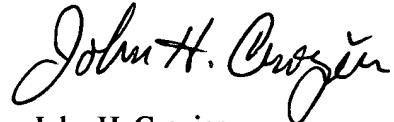
base (5). The rotatable handle (70) of Applicant's device is attached to an axially movable compression member (42) at a first pivot point (72). These elements of applicant's invention are spelled out in applicant's Claim 1. The movable portion of Sato is a movable head (6) which advances toward and retreats from the fixed base (5). The rotatable handle (2) of Sato is not pivotally attached to the movable die (8) at all.

The combination of Sato with Holliday fails to cure the basic deficiency of Sato, since Holiday employs an intermediate link (32) to which the rotatable handle (27) of Holliday is attached.

In view of the above, it is respectfully submitted that the Examiner's rejection is in error and should be reversed.

September 15, 2004.

Respectfully submitted,



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APPENDIX [37 CFR 1.192(c)(9)]

The following sets forth the claim on appeal.

1. An end connector compression tool, comprising:
 - (a) a body;
 - (b) supports disposed in said body for support therein of a cable axially disposed with respect to said body and uncompressed end connector parts;
 - (c) a compression member axially movable with respect to said body to fixedly attach said end connector parts to said cable by compression of said end connector parts;
 - (d) a handle rotatably attached to said compression member at a first pivot point; and
 - (e) a link rotatably attached to said handle at a second pivot point and to said body at a third pivot point, such that rotation of said handle from an open position to a closed position effects compressive fixed attachment of said end connector parts to said cable.